

HOUSE BILL NO. 257

INTRODUCED BY C. YOUNKIN

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A BOARD OF COUNTY COMMISSIONERS, UPON A MAJORITY VOTE, TO ORDER PAYMENT OF A CLAIM DISAPPROVED BY A COUNTY AUDITOR; PROVIDING FOR AN APPEAL TO DISTRICT COURT WITHIN 7 WORKING DAYS IF A BOARD OF COUNTY COMMISSIONERS ORDERS PAYMENT OF A DISAPPROVED CLAIM; REQUIRING THE COUNTY TO PAY COSTS AND ATTORNEY FEES ASSOCIATED WITH AN APPEAL OF A DISAPPROVED CLAIM THAT IS SUBSTANTIALLY JUSTIFIED EVEN IF THE APPEAL IS UNSUCCESSFUL; AMENDING SECTION 7-6-2407, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-6-2407, MCA, is amended to read:

"7-6-2407. Auditing Examination and investigation of claims. (1) It ~~shall be~~ is the duty of persons holding claims against any county having a county auditor to present the ~~same claims~~ to the county auditor, ~~whose duty it who~~ who shall be to audit the same. ~~The county auditor shall also investigate and examine all claims presented to him and. The county auditor shall report the same claims with his a finding to the board of county commissioners at their its regular session after such the investigation shall have been is completed, with his approval or disapproval endorsed thereon. The county auditor shall either approve or disapprove payment of the claim; and he shall keep a complete record of all such claims and of his investigations and examinations of the same claims in a book kept for that purpose.~~

(2) In all counties having a county auditor:

(a) all bills, claims, accounts, or charges for materials of any kind or nature that may be purchased by and on behalf of the county by any of the county officers or contracted for by the county commissioners ~~shall must~~ must be investigated, examined, and inspected by the county auditor, who shall ~~endorse his approval or disapproval thereon~~ approve or disapprove payment of the claims before any warrant for the payment of the ~~same claims can~~ may be drawn;

(b) ~~no a~~ a claim against the county ~~shall may not~~ may not be paid or a warrant drawn ~~therefor for the claim~~ unless the ~~same shall have~~ claim has the approval of the county auditor; ~~provided, however, that the judge~~

1 ~~of the district court of the county where any.~~ If a claim has been disapproved by the county auditor, the
2 ~~board of county commissioners~~ may order the payment of the ~~same claim by a majority vote at a regular~~
3 ~~board session.~~ If a majority of the board orders payment of the disapproved claim, the county auditor may
4 ~~appeal the decision to district court within 7 working days AND THE COUNTY IS RESPONSIBLE FOR PAYING ALL~~
5 ~~COSTS AND ATTORNEY FEES ASSOCIATED WITH THE APPEAL BY THE AUDITOR AS LONG AS THE APPEAL IS SUBSTANTIALLY~~
6 ~~JUSTIFIED, EVEN IF THE APPEAL IS UNSUCCESSFUL.~~ If the board's decision is not ~~appealed within the required~~
7 ~~7-day period,~~ the claim must be paid."

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9 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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